

Article - State Government

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§12-309.

(a) A court shall require reimbursement from the person who brings an action or proceeding against a State officer or State employee if:

- (1) judgment is rendered for the officer or employee; and
- (2) the court finds that the action or proceeding was instituted:
 - (i) in bad faith; or
 - (ii) without substantial justification.

(b) Reimbursement shall consist of reasonable counsel fees and other costs and reasonable expenses incurred by the officer or employee in defending against the action or proceeding.

(c) Reimbursement shall be paid:

- (1) to the officer or employee; or
- (2) if the State or any of its units already has reimbursed the officer or employee, to the State or the unit.

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